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CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on the below date: 2/25/05 Name: JOHN MURRAY (44,251) Signature: *John Murray*

BRINKS  
HOFER  
GILSON  
& LIONE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: Tapas K. Kas Gupta et al.  
Appln. No.: 10/047,710  
Filed: January 15, 2002  
For: Cytotoxic Factors For Modulating Cell Death  
Attorney Docket No: 11472-3

Examiner: Misook Yu  
Art Unit: 1642

[Choose Mail Stop or blank line]  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

TRANSMITTAL

Sir:

Attached is/are:

- ☒ Third Supplemental Information Disclosure Statement (in duplicate), Form PTO 1449, Copies of 4 references cited.
- ☒ Return Receipt Postcard

Fee calculation:

- ☒ No additional fee is required.
- ☐ Small Entity.
- ☐ An extension fee in an amount of \$\_\_\_\_\_ for a \_\_\_\_\_-month extension of time under 37 C.F.R. § 1.136(a).
- ☐ A petition or processing fee in an amount of \$\_\_\_\_\_ under 37 C.F.R. § 1.17(\_\_\_\_\_).
- ☐ An additional filing fee has been calculated as shown below:

					Small Entity			Not a Small Entity	
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Add'l Fee	or	Rate	Add'l Fee
Total		Minus			x \$25=			x \$50=	
Indep.		Minus			x 100=			x \$200=	
First Presentation of Multiple Dep. Claim					+\$180=			+\$360=	
					Total	\$		Total	\$

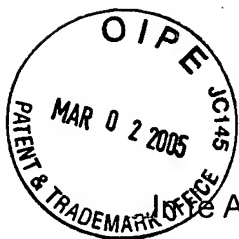
Fee payment:

- ☐ A check in the amount of \$\_\_\_\_\_ is enclosed.
- ☐ Please charge Deposit Account No. 23-1925 in the amount of \$\_\_\_\_\_. A copy of this Transmittal is enclosed for this purpose.
- ☐ Payment by credit card in the amount of \$\_\_\_\_\_ (Form PTO-2038 is attached).
- ☒ The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925.

2/25/2005  
Date

Respectfully submitted,

*John Murray*  
John Murray, Ph.D (Reg. No. 44,251)



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: Tapas K. Das Guptka ET AL.

Appln. No.: 10/047,710

Filed: January 15, 2002

For: CYTOTOXIC FACTORS FOR  
MODULATING CELL DEATH

Attorney Docket No: 11472-3

Examiner: Misook Yu

Art Unit: 1642

THIRD SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

In accordance with the duty of disclosure under 37 C.F.R. §1.56 and §§1.97-1.98, and more particularly in accordance with 37 C.F.R. §1.97(c), Applicants hereby cite the following reference(s):

Zaborina et al., "Secretion of ATP-utilizing enzymes, nucleoside diphosphate kinase and ATPase, by *Mycobacterium bovis* BCG: sequestration of ATP from macrophage P2Z receptors?", *Molecular Microbiology* (1999) 31(5), 1333-1343

Anonymous: "Plastocyanin precursor" DATABASE EMBL 'Online!', 1 November 1997, XP002306632 abstract

Anonymous: "Rusticyanin precursor" DATABASE EMBL 'Online!', 1 March 1992, XP002306633 abstract

Anonymous: "Pseudoazurin precursor" DATABASE EMBL 'Online!', 1 February 1991, XP002306634 abstract

Applicants are enclosing Form PTO-1449 (one sheet), along with a copy of each listed reference for which a copy is required under 37 C.F.R. §1.98(a)(2). As each of the listed references is in English, no further commentary is believed to be necessary, 37 C.F.R. §1.98(a)(3). Applicants respectfully request the Examiner's consideration of the above reference(s) and entry thereof into the record of this application.

By submitting this Statement, Applicants are attempting to fully comply with the duty of candor and good faith mandated by 37 C.F.R. §1.56. As such, this Statement is not intended to constitute an admission that any of the enclosed references, or other information referred to therein, constitutes "prior art" or is otherwise "material to patentability," as that phrase is defined in 37 C.F.R. §1.56(a).

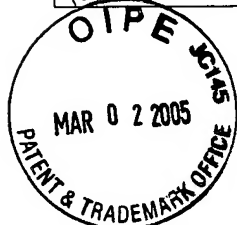
Applicants have calculated no fee to be due in connection with the filing of this Statement. However, the Director is authorized to charge any fee deficiency associated with the filing of this Statement to a deposit account, as authorized in the Transmittal accompanying this Statement.

Respectfully submitted,

2/25/05  
Date

John Murray  
John Murray (Reg. No. ~~44~~ 251)

FORM PTO-1449	SERIAL NO. 10/047,710	CASE NO. 11472-3
LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT	FILING DATE January 15, 2002	GROUP ART UNIT 1642
(use several sheets if necessary)		APPLICANT(S): T.K. Das Gupta et al.



EXAMINER INITIAL	OTHER ART – NON PATENT LITERATURE DOCUMENTS (Include name of author, title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date page(s), volume-issue number(s), publisher, city and/or country where published.	
	D1	Zaborina et al., "Secretion of ATP-utilizing enzymes, nucleoside diphosphate kinase and ATPase, by Mycobacterium bovis BCG: sequestration of ATP from macrophage P2Z receptors?", Molecular Microbiology (1999) 31(5), 1333-1343
	D2	Anonymous: "Plastocyanin precursor" DATABASE EMBL 'Online!', 1 November 1997, XP002306632 abstract
	D3	Anonymous: "Rusticyanin precursor" DATABASE EMBL 'Online!', 1 March 1992, XP002306633 abstract
	D4	Anonymous: "Pseudoazurin precursor" DATABASE EMBL 'Online!', 1 February 1991, XP002306634 abstract

EXAMINER	DATE CONSIDERED
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.